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असाधारण

EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on 20th February, 2006:—

BILL NO. XIII OF 2006

A Bill further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2006.

Short title and
commencement.

(2) Section 2 shall be deemed to have come into force on the 31st day of March, 2005.

CHAPTER II

AMENDMENT OF THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

Insertion of
new section
43F.
Special
provision as
to
readjustment
of territorial
constituencies
on the basis
of 2001
census.

2. After section 43E of the Government of Union Territories Act, 1963, the following section shall be inserted, namely:— 20 of 1963.

“43F. Notwithstanding the publication of orders under sub-section (1) of section 10 of the Delimitation Act, 2002 or anything contained in sub-section (2) or sub-section (4) of the said section, any readjustment in the division of Union territory into territorial constituencies by the Delimitation Commission under the said Act, on the basis of 2001 census shall take effect from such date as the Central Government may, by order, published in the Official Gazette, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment.”. 33 of 2002.

CHAPTER III

AMENDMENT OF THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991

Amendment of
section 3.

3. In section 3 of the Government of National Capital Territory of Delhi Act, 1991, in sub-section (3), after the proviso, the following proviso shall be inserted, namely:— 1 of 1992.

“Provided further that any readjustment in the division of the Capital into territorial constituencies by the Delimitation Commission under the Delimitation Act, 2002 on the basis of 2001 census shall take effect from such date as the Central Government may, by order, published in the Official Gazette, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment.”. 33 of 2002.

STATEMENT OF OBJECTS AND REASONS

Article 81 read with article 82 of the Constitution, *inter alia*, provides that the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine. Further, such readjustment of territorial constituencies is required to be done on the basis of 2001 census figures. The second proviso to article 82 of the Constitution provides that such readjustment shall take effect from such date as the President may by order specify and until such readjustment takes effect, any election to the House of the People may be held on the basis of the territorial constituencies existing before such readjustment. Article 170 contains similar provisions in respect of readjustment of each State into territorial constituencies in respect of representation in State Legislative Assemblies. However, there is no such enabling provision either in the Constitution or in the Government of Union Territories Act, 1963 or in the Government of National Capital Territory of Delhi Act, 1991 in respect of the Union territory of Pondicherry and the National Capital Territory of Delhi empowering the President or the Central Government to issue an order by means of which the coming into force of the readjustment of territorial constituencies in respect of the Union territory of Pondicherry and the National Capital Territory of Delhi could be specified. In other words, the delimitation orders issued by the Delimitation Commission constituted under the Delimitation Act, 2002 in respect of the aforesaid Union territories would be operative from the date of such order.

2. The second proviso to article 82 and the second proviso to clause (3) of article 170 of the Constitution provide that the readjustment after the delimitation exercise is over will take effect only from such date as the President may, by order, specify and until such readjustment takes effect, any election to the House of the People or to the State Legislative Assemblies shall be held on the basis of territorial constituencies existing before such readjustment. In other words, they would be on the basis of the 1971 census figures. This constitutional provision is also carried over to the Delimitation Act, 2002 by sub-sections (2) and (4) of section 10 thereof.

3. The delimitation exercise in respect of Union territory of Pondicherry and certain States are over but in case of the majority of States and the National Capital Territory of Delhi, the exercise is not over. Hence, an anomalous situation whereby elections may have to be conducted on the basis of two different census figures in respect of the Union Territory of Pondicherry *vis a vis* the rest of the country would arise unless necessary provision is made in the aforesaid Acts.

4. To rectify the aforesaid anomalous situation arising out of lack of a suitable enabling provision in the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991, a provision similar to the corresponding provisions under the second proviso to article 82 and the second proviso to clause (3) of article 170 of the Constitution is proposed to be made by amending the Government of Union Territories Act, 1963 with retrospective effect, *i.e.*, from 31st March, 2005 and the Government of National Capital Territory of Delhi Act, 1991 from the date of assent of the Bill.

5. The Bill seeks to achieve the above objects.

SHIVRAJ V. PATIL

YOGENDRA NARAIN,
Secretary-General.